

UNITED STATES DISTRICT COURT

for the

Western District of Texas

FILED

October 18, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America

v.

Mayfreed Duran-Arape

BY: Fidel Morales
DEPUTY

Case No.

EP:23-M-03331-MATDefendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 29, 2023 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section*

18 USC 111

Offense Description

Assaulting, resisting, or impeding certain officers or employees

This criminal complaint is based on these facts:

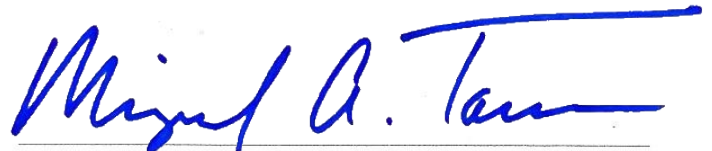
See attached affidavit.

☒ Continued on the attached sheet.Complaint sworn to telephonically on
October 18, 2023 at 02:00 PM and signed
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**

Sworn to before me and signed in my presence.

Date: 10/18/2023City and state: El Paso, Texas*Complainant's signature*

Felix J. Castaneda, ICE/OPR Special Agent

Printed name and title*Judge's signature*

Miguel A. Torres, U.S. Magistrate Judge

Printed name and title

Affidavit

On August 30, 2023, Immigration and Customs Enforcement, Office of Professional Responsibility, Senior Special Agent (SSA) Felix Castaneda responded to the El Paso Processing Center (EPPC) in El Paso, Texas within the Western District of Texas, in reference a riot that occurred on August 29, 2023. The EPPC is an Immigration and Customs Enforcement Federal Detention Facility. SSA Castaneda reviewed video surveillance of the incident and interviewed EPPC staff in reference to the incident.

On August 29, 2023, at approximately 0748 hours, detainees were waiting to be escorted back to their housing units from the facility cafeteria. Video surveillance showed a riot erupt which included approximately forty detainees. EPPC Contract Detention Officers (CDOs) were observed attempting to restrain detainee Armando CAMACHO-Franco.

Video surveillance shows detainee Mayfreed DURAN-Arape attempt to approach the CDOs dealing with CAMACHO. A CDO is observed putting his hands up as to stop DURAN from interfering with the CDOs dealing with CAMACHO; however, DURAN does not stop. Multiple CDOs attempt to subdue DURAN; however, it appears he is resisting the CDOs. DURAN is observed kicking during the time CDOs are attempting to restrain him.

CDO's indicated DURAN was not following commands given. DURAN hid his hands in front of his body, preventing being placed in hand restraints. CDO Alejandro De La Fuente stated he grabbed DURAN's legs which caused DURAN to go to the ground. CDO De La Fuente stated DURAN was kicking while on the ground and at some point, he kicked CDO De La Fuente on the right ankle causing him to buckle. CDO De La Fuente attempted knee strikes to the thigh area of DURAN to get him to comply and during this CDO De La Fuente hit the ground.

DURAN resisted CDOs commands and physically resisted CDOs orders by not placing his hands behind his back and caused injury to a CDO by kicking him. CDO De La Fuente was transported to a hospital for medical care and is still recuperating from his injuries.

On October 12, 2023, DURAN waived his right to legal counsel and agreed to be interviewed by SSA Castaneda. DURAN stated on August 29, 2023, he became angry when he observed CAMACHO being subdued by CDOs. DURAN stated he resisted CDOs commands and at some point, while on the ground his legs were crossed and pushed against his butt by a CDO. DURAN explained he kicked to get out because it was uncomfortable. DURAN stated he did not recall kicking a CDO.